

REMARKS

Applicant thanks the Patent Office for the careful attention accorded this Application and respectfully request reconsideration in view of the Amendment above and remarks set forth below.

In response to the Office Action mailed August 28, 2006, Applicant has canceled Claims 1-30 without prejudice or disclaimer and has added two sets of rewritten claims 63-76 and 77-89 for further prosecution on the merits. Applicant reserves the right to pursue protection on the canceled claims in one or more Continuation Applications.

Applicant have submitted under separate transmittal, a Supplemental Information Disclosure Statement to disclose recently discovered prior art which helps to more clearly describe the state of the art at the time the present invention was made. However, Applicant firmly believes that this prior art does not detract from the present invention defined by the rewritten claims.

As rewritten, independent Claim 63 is directed to a novel Internet-based product brand marketing communication network allowing members of a product brand management team to communicate directly with consumers present at points along the fabric of the World Wide Web (WWW).

As recited in Claim 63, the Internet-based product brand marketing communication network comprises a first Web-based subsystem allowing members of the product brand management team for a registered consumer product, as well as other authorized parties, to create and manage a consumer product information (CPI) link structure for each consumer product registered with the Internet-based product brand marketing communication network.

As recited in Claim 63, the CPI link structure comprises the following items:

- (i) a Unique Product Number (UPN) assigned to the consumer product; and

(ii) a set of URLs for a plurality of brand information resources stored on Web-based information servers operably connected to the WWW, and wherein the brand information resources can be selected by one or more members of the product brand management team and said authorized parties to program said set of brand information resources for the consumer product.

As recited in Claim 63, the Internet-based product brand marketing communication network includes a second Web-based subsystem for allowing product brand management team members, associated with a particular consumer product or group of consumer products, and/or authorized parties, to create and deploy a plurality of Web-based Multi-Mode Virtual Kiosks (MMVKs) for a plurality of consumer products that are registered with the network and offered for purchase and sale along a stream of electronic commerce, so that the plurality of MMVKs can be installed in and launched from points along the fabric of the WWW, and accessible by consumers using a Web browser.

As recited in Claim 63, each MMVK is implemented by (i) a computer-executable server-side component stored on a first Internet-enabled information server operably connected to the WWW, and (ii) a MMVK tag that references the computer-executable server-side component and is embeddable within an HTML-encoded page along the fabric of the WWW.

As recited in Claim 63, MMVK, when generated by the first Internet-enabled information server, has a graphical user interface (GUI) that is characterized by a plurality of independently programmable display modes selected from the group consisting of (i) an advertising display mode for displaying one or more advertising spots, (ii) a promotional display mode for displaying one or more promotional spots, and (iii) a brand information network (BIN) menu display mode for displaying a set of brand information resources arranged for selection by consumers using the Web browser.

As recited in Claim 63, the Internet-based product brand marketing communication network further includes a plurality of Web-based information servers operably connected to the WWW, for storing and configured to serve one or more advertising spots, one or more

promotional spots and brand information resources to the Web browser, for display to consumers through the plurality of independently programmable display modes of each MMVK.

As recited in Claim 63, the second Web-based subsystem allows members of the product brand management team to independently program the set of brand information resources displayable during the BIN menu display mode of each installed MMVK.

As recited in Claim 63, the Internet-based product brand marketing communication network includes a third Web-based subsystem for allowing members of the product brand management team to independently program the advertising and promotional display modes of each MMVK with one or more advertising and promotional spots, as a particular brand marketing campaign may require.

As recited in Claim 63, upon the Web-browser of each consumer encountering one said installed MMVK tag along the fabric of the WWW, the computer-executable server-side component corresponding to the MMVK tag is automatically executed and the corresponding MMVK is generated by the first Internet-enabled information server and served to the Web browser, and the MMVK automatically plays through its display modes, in a programmed sequential manner, inviting and allowing the consumer to review and interact with the advertising spots, promotional spots, and/or brand information resources displayed within the GUI of the MMVK, along the fabric of the WWW where the MMVK has been installed.

Dependent Claims 64-76 define subordinate features of the present invention.

Independent Claim 77 is similar in many respects to independent Claim 31, except that it does not require that the MMVK automatically play through its display modes, in a programmed sequential manner; however it does require several other limitations, namely:

(1) a plurality of e-commerce enabled information servers supporting a plurality of EC-enabled Web-sites selected from the group consisting of EC-enabled stores and EC-enabled online product catalogs, wherein each EC-enabled Web-site includes a plurality of HTML-encoded pages containing images and/or text descriptions of the plurality of registered consumer

products which are offered for purchase and sale by an EC-enabled payment method supported over the Internet;

(2) that GUI of the MMVK automatically displays one or more URLs pointing to one or more EC enabled stores or online product catalogs on the WWW at which the consumer product identified by its assigned UPN can be purchased, and subsequently delivered to a specified physical address; and

(3) the interaction between consumers and the MMVKs is automatically measured, metrics relating to said interaction are automatically collected, and members of the product brand management teams are allowed to view metrics reports generated from the metrics relating to the interaction, so as to help analyze the effectiveness of brand marketing campaigns being run over one or more of the MMVKs installed along the fabric of the WWW.

Dependent Claims 78-89 also define subordinate features of the present invention.

Clear detailed support for the claimed invention can be found throughout the present Specification and its accompanying Drawings.

Applicant has carefully reviewed the prior art references, including US Patent No. 6,591,247 to Stern and US Patent No. 6,542,933 to Durst et al, and firmly believes, that when taken alone or in combination with each other, the prior art as a whole fails to disclose, teach or suggest the present invention defined by the rewritten claims.

US Patent No. 6,591,247 to Stern discloses an IP based digital content distribution network where batteries of digital content (e.g. product information and advertisements) are combined together in a single distribution file (e.g. .big format) at a centralized database server (i.e. NMC database 252c, Database files 352 and Builder 350) and then delivered to remote sites (e.g. physical retail kiosks, “wall of eyes” television sets etc) in physical retail stores, in either an interactive or non-interactive manner, on a per product basis. As disclosed, the interactive delivery method may be initiated by the consumer scanning a UPC code on a product of interest, in a brick and mortar store. As disclosed in col. 5 of the Stern ‘297 reference, Stern’s satellite-based distribution network delivers digital audiovisual content – as a single file – to sites 30a-

30d located in physical stores 28 having in-store interactive kiosks 70, as well as a centralized music system 90, a PC computer system 97, as well as a VCR 94 connected to a television monitor 96.

As shown in Figs. 2 and 4 of U.S. Patent No. 6,591,249, Stern's network is specifically designed for distributing (digital) audiovisual content to physical retail stores (in-stores), and not at points along the HTML fabric of the WWW, as the Internet-based product brand marketing communication network defined by rewritten Claims 63-89.

US Patent No. 6,542,933 to Durst et al. discloses a way of implementing the general method of delivering consumer product information on the Internet to a user's Web browser by providing the consumer product's UPC number to a UPC/URL database server constructed in accordance with US Patent No. 5,978,773 to Hudetz et al. As shown in Fig. 2 and described in Col. 5, at lines 65-68, and in Cols. 6, 7 and 8 of US Patent No. 6,542,933, Durst's preferred method of providing access to web pages (via information server 50) is based on HTTP redirection using a linkage client 22 and a web browser 24 [Col. 7, lines 5-23, and Col. 19, lines 20-22] As disclosed, this preferred method involves generating a special linkage code symbol 10 (e.g. native linkage code, data string, UPC, vanity code) that must be first registered with the network, and contains data elements that references a file location index (pointing to information file or content). Using linkage client 22 and a web browser 24, the client computer 20 communicates with the information server 50 so that the file location index (referenced by the linkage code) is resolved by information server 50 into a computer file location (URL) associated with an information file stored on web-based content server 30. As disclosed in Column 6, at lines 47-49, the information server 50 may be implemented as a CGI program or as a Java servlet.

While the Durst '933 reference discloses using a CGI program or a Java servlet to implement its information server 50, neither Durst's information server 50 or system performs the novel functions and services supported by Applicant's Internet-based network defined by independent Claims 31 and 45. Also, the Durst '933 reference clearly fails to disclose, teach or

suggest the novel communication services and functions supported by the Internet-based product brand marketing communication network defined by the claims 63 and 77.

Specifically, there is nothing in the Stern '247 and '933 Durst references that discloses, teaches or suggest providing an Internet-based product brand marketing communication network that includes a second Web-based subsystem for allowing product brand management team members, associated with a particular consumer product or group of consumer products, and/or authorized parties, to create and deploy a plurality of Web-based Multi-Mode Virtual Kiosks (MMVKs) for said plurality of consumer products that are registered with the network and offered for purchase and sale along a stream of electronic commerce, so that the plurality of MMVKs can be installed in and launched from points along the fabric of the WWW, and accessible by consumers using a Web browser.

There is nothing in the Stern '247 or '933 Durst references that discloses, teaches or suggests providing a server-side driven MMVK which is implemented by (i) a computer-executable server-side component stored on a first Internet-enabled information server operably connected to the WWW, and (ii) a MMVK tag that references the computer-executable server-side component and is embeddable within an HTML-encoded page along the fabric of the WWW; and when generated by the first Internet-enabled information server, the MMVK has a graphical user interface (GUI) that is characterized by a plurality of independently programmable display modes selected from the group consisting of (i) an advertising display mode for displaying one or more advertising spots, (ii) a promotional display mode for displaying one or more promotional spots, and (iii) a brand information network (BIN) menu display mode for displaying a set of brand information resources arranged for selection by consumers using the Web browser.

There is nothing in the Stern '247 and '933 Durst references that discloses, teaches or suggests providing an Internet-based product brand marketing communication network that further includes a plurality of Web-based information servers operably connected to the WWW, for storing and configured to serve one or more advertising spots, one or more promotional spots

and brand information resources to the Web browser, for display to consumers through the plurality of independently programmable display modes of each MMVK.

There is nothing in the Stern '247 and '933 Durst references that discloses, teaches or suggests providing an Internet-based product brand marketing communication network, wherein members of the product brand management team are allowed to independently program the set of brand information resources displayable during the BIN menu display mode of each installed MMVK.

Also, there is nothing in the Stern '247 and '933 Durst references that discloses, teaches or suggests providing an Internet-based product brand marketing communication network that also includes a Web-based subsystem which allows members of the product brand management team to independently program the advertising and promotional display modes of each MMVK with one or more advertising and promotional spots, as a particular product brand marketing campaign may require.

Finally, there is nothing in the Stern '247 and '933 Durst references that discloses, teaches or suggests providing such Internet-based product brand marketing communication network, where upon the Web browser of a consumer encountering an installed MMVK tag along the fabric of the WWW, the computer-executable server-side component corresponding to a MMVK tag is automatically executed and the corresponding MMVK is generated by the first Internet-enabled information server and served to the Web browser, and the MMVK automatically plays through the display modes, in a programmed sequential manner, inviting and allowing the consumer to review and interact with the advertising spots, promotional spots, and brand information resources displayed within the GUI of the MMVK, along the fabric of the WWW where the MMVK has been installed.

Likewise, there is nothing in the Stern '247 or 933' Durst references that discloses, teaches or suggest providing an Internet-based product brand marketing communication network, as recited in Claim 31, which while not requiring that the MMVK automatically plays through the display modes, in a programmed sequential manner, further requires:

(1) a plurality of EC-enabled information servers supporting a plurality of EC-enabled Web-sites selected from the group consisting of EC-enabled stores and EC-enabled online product catalogs, wherein each EC-enabled Web-site includes a plurality of HTML-encoded pages containing images and/or text descriptions of a plurality of consumer products which are offered for purchase and sale by an EC-enabled payment method supported over the Internet;

(2) that GUI of the MMVK automatically displays one or more URLs pointing to one or more EC-enabled stores or online product catalogs on the WWW at which the consumer product identified by its assigned UPN can be purchased, and subsequently delivered to a specified physical address; and

(3) the interaction between consumers and said MMVKS is automatically measured, metrics relating to the interaction are automatically collected, and members of the product brand management teams are allowed to view metrics reports generated from the metrics relating to the interaction, so as to help analyze the effectiveness of brand marketing campaigns being run over one or more of the MMVKS installed along the fabric of the WWW.

By virtue of the present invention, Applicant's Internet-based network solves numerous problems that have plagued manufacturers, marketers, retailers and consumers alike for some time.

Applicant also firmly believes that the present invention defined by Claims 63-89 is neither disclosed, taught or suggested by other prior art references of record, including US Patent No. 6,154,738 to Call, and US Patent No. 5,999,912, to Wodarz et al, alone or in combination with each other, or in combination with the Durst and/or the Stern references discussed above.

Unlike Claims 63 and 77, the Call '738 Patent clearly fails to disclose, teach or suggest providing an Internet-based product brand information marketing communication network having a system architecture supporting a Web-based subsystem for creating and deploying a MMVK for each registered consumer product, and a Web-based subsystem for creating and managing CPI link structures for use in programming the independently programmable display

modes of each said MMVK, in combination with the other elements of the Internet-based network of the present invention, for performing the novel functions claimed.

Also, Applicant's Internet-based network defined by Claim 63 and 77 stores product brand information resources, including rich media advertisements and promotions, on a plurality of Internet-based information servers (and serves the same therefrom) so that the manufacturer's brand information resources can be scattered virtually anywhere over the WWW, exploiting the benefits of advanced global content delivery networks (CDNs) widely available for high-speed information delivery over the Internet. In contrast, the Internet-based system disclosed in the Call '738 Patent stores consumer product information resources in a directory on a single product information server 344 (shown in Fig. 5) managed by the manufacturer, or on a shared product information server 840 (shown in Fig. 8). Consequently, Call's system imposes undesirable constraints on product brand information management operations.

Applicant's Internet-based network defined by Claims 63 and 77 generates a server-side driven MMVK when a consumer's Web browser encounters an installed MMVK tag along the fabric of the WWW, and thereupon, the computer-executable server-side component corresponding to the MMVK tag is automatically executed and the corresponding MMVK is generated by a first Internet-enabled information server and served to the Web browser, and the MMVK automatically plays through its display modes, in a programmed sequential manner, inviting and allowing the consumer to review and interact with the advertising spots, promotional spots, and/or brand information resources displayed within the GUI of the MMVK, along the fabric of the WWW where the MMVK has been installed.

In contrast, Call's Internet-based consumer product information delivery system displays "a product home page" [346, in Fig. 5] to a consumer selecting an embedded hyperlink thereto, and this product home page (named "info.html") is stored in the product information directory created on the manufacturer's product information server. However, while this product home page provides general product information the manufacturer wishes to place before all

interested parties, “[t]his product home page may link to additional information related to the product on other pages when appropriate.” [Col. 10, lines 48-59].

Furthermore, while US Patent No. 5,999,912 to Wodarz et al discloses an Internet-based advertising, scheduling and tracking system, employing (i) a computer executable server side component stored on an information server, and (ii) a HTML ad tag that is embeddable in an HTML-encoded page and references the server side component, allowing different ads to be swamped in and out, at different times (i.e. dynamically) according to changing consumer profiles, marketing conditions and the like, the Wodarz ‘912 Patent does not disclose, teach or suggest providing the Internet-based network defined by Claims 63 and 77 having a network system architecture supporting a Web-based subsystem for creating and deploying MMVKs for registered consumer products, and a Web-based subsystem for creating and managing a CPI link structure for each registered consumer product, for programming the independently programmable display modes of each deployed and installed MMVK, taken in combination with the other elements of the claimed Internet-based network of the present invention, for performing the novel functions claimed.

The remaining prior art references of record have been considered, but Applicant firmly believes that these prior art references, alone or in combination with each other, do not detract from the present invention as claimed.

Furthermore, even when combining the disclosures of Stern, Durst, Call and Wodarz et al, Applicant firmly believes that the Internet-enabled product brand marketing communication network of the claimed invention is just not provided, nor suggested.

In view therefore, of the Amendment and Remarks set forth above, Applicant firmly believes that the present invention defined by new Claims 63-89 is firmly believed to be neither anticipated by, nor rendered obvious in view of the prior art of record, and that the present application is now in condition for allowance.

Favorable action is earnestly solicited.



A total of two (2) independent claims and twenty seven (27) claims in all remain after amendment. Applicant previously paid for three (3) independent claims and thirty (30) claims in all, and believe that no further claims fees are due at this time. However if the Commissioner deems it necessary, he is hereby authorized to charge any fee deficiencies to Deposit Account 16-1340. Applicant still qualifies as a small entity for the purpose of paying reduced fees.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Thomas J. Perkowski".

Dated: May 19, 2008

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Date: May 19, 2008